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In re Application of :
BENCZUR-UERMOSSEY, Gabor *et al* :
Application No.: 10/019,259 :
PCT No.: PCT/EP00/05376 :
Int. Filing Date: 10 June 2000 :
Priority Date: 29 June 1999 :
Attorney Docket No.: 979/50805 :
For: ELECTRODE WITH A CAPACITY OF :
STORE HYDROGEN AND A METHOD :
FOR ITS PRODUCTION :

DECISION

This decision is in response to applicants' "Response to Notification of Defective Response" filed 20 August 2002 which is treated as a petition under 37 CFR 1.182.

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BACKGROUND

On 19 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 May 2002, applicants filed a declaration signed by all three inventors. However, the last name of one of the inventors was not the same as listed in the international publication, *i.e.*, Dagmar Nowak and Dagmar Waidelich. There was no indication in the file that a name change was approved by the International Bureau.

On 29 July 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 20 May 2002 does not comply with 37 CFR 1.497(a) and (b) because the third inventor's name was recorded different from the name listed on the international application. Applicants were given one month, or any time remaining in the Form PCT/DO/EO/905 to respond, whichever is longer.

On 20 August 2002, applicants filed the instant petition which was accompanied by, *inter alia*, a copy of a marriage certificate, a "Statement by Inventor Regarding Name Change" and authorization to charge any required fees to Deposit Account No. 05-1323.

DISCUSSION

MPEP § 605.04(c) lists the procedures required to petition to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Here, applicants provided a declaration recording the change of name of Dagmar WAIDELICH to Dagmar NOWAK and signed by the co-inventor. Ms. Nowak declares that the name change was as a result of marriage. A copy of a marriage certificate in the German language dated 01 September 2000 was provided. The petition fee of \$130.00 has been charged to Deposit Account No. 05-1323 as authorized. This is sufficient for a grantable petition.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 to change the name of the inventor is hereby **GRANTED**.

The declaration filed 20 May 2002 now complies with the requirements of 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 10 June 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 May 2002.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



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